

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

LAS MARTAS, INC.

Debtor

CASE NO. 22-bk-02380 (ESL)

CHAPTER 12

**STATEMENT OF ISSUES TO BE PRESENTED AND DESIGNATION OF ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL**

TO THE HONORABLE COURT:

COMES NOW Condado 5, LLC ("Condado" or "Appellant"), by and through its undersigned counsel, and respectfully submits its statement of issues to be presented and designation of items to be included in the record on appeal with respect to the appeal from the *Opinion and Order* (ECF No. 102, Case No. 22-02380 (ESL)) entered by the United States Bankruptcy Court for the District of Puerto Rico ("Bankruptcy Court") on February 15, 2023, pursuant to Fed. R. Bank. P. 8009(a)(1), and LBR 8006-1(a):

I. Statement of issues to be presented on appeal

1. Whether the Bankruptcy Court erred in holding that the post-petition proceeds, products, or profits generated by the Debtor from the milk produced and sold to milk processing plants under Debtor's bi-weekly milk quota are not subject to Condado's lien.
2. Whether the Bankruptcy Court erred in failing to enforce the *res judicata* and/or *collateral estoppel* effects of the *Stipulations for the Use of Case Collateral* in the Debtor's First Bankruptcy Case (Case No. 11-bk-05236, ECF Nos. 39, 61, 67, 145 and 227), all of which were duly approved by the Court (Case No. 11-bk-05236, ECF Nos. 42, 62, 68, 147 and 231).

II. Designation of items to be included in the record on appeal

Pursuant to Fed. R. Bankr. P. 8009(a) and to PR LBR 8006-1(a), the following table contains the designation of items for inclusion in the record on appeal, identified by ECF number,

date, and description, pertaining to the above captioned Lead Case No. 22-02380 (ESL12). Each designated item shall also include any and all exhibits and documents annexed to and referenced within such items.

ECF No.	Date	Description
Proof of Claim No. 1	August 23, 2022	Condado's Proof of Claim
9	August 17, 2022	<i>Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC to Seek and Collect Proceeds</i>
15	August 29, 2022	<i>Response to Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC, to Seek and Collect Proceeds</i>
16	August 30, 2022	<i>Motion for Leave to File Reply to Debtor's "Response to Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC, to Seek and Collect Proceeds"</i>
19	August 31, 2022	<i>Order Granting Motion for Leave to File Reply to Debtor's "Response to Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC, to Seek and Collect Proceeds"</i>
25	September 6, 2022	<i>Reply to Response to Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC, to Seek and Collect Proceeds</i>
30	September 13, 2022	<i>Motion to Inform Errata</i>
34	September 21, 2022	Audio file of September 16, 2022 hearing
34	September 21, 2022	<i>Minute Entry of September 16, 2022 hearing</i>
35	September 23, 2022	<i>Trustee's Position and Memorandum of Law in Support Thereof regarding Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC, to Seek and Collect Proceeds</i>
46	October 14, 2022	<i>Response to Trustee's Position and Memorandum of Law in Support Thereof regarding Motion to Prohibit Use of Cash Collateral and for Entry of Order Authorizing Condado 5, LLC, to Seek and Collect Proceeds</i>
85	December 21, 2022	Audio file of December 20, 2022 Status Conference
85	December 21, 2022	<i>Minute Entry of December 20, 2022 Status Conference</i>
93	January 10, 2023	<i>Amended Chapter 12 Plan</i>
95	January 23, 2023	<i>Objection to Confirmation of Amended Chapter 12 Plan of Reorganization dated January 10, 2023</i>
102	February 15, 2023	<i>Opinion and Order</i>
103	February 15, 2023	<i>Notice of Appeal and Statement of Election to District Court for the District of Puerto Rico</i>

Respectfully submitted,
San Juan, PR
February 16, 2023

Ferraiuoli LLC
Attorneys for Condado
PO Box 195168
San Juan, PR 00919-5168
Tel.: (787) 766-7000
Fax: (787) 766-7001

/s/ Gustavo A. Chico-Barris
GUSTAVO A. CHICO-BARRIS
USDC-PR No. 224205
gchico@ferraiuoli.com

/s/Tomás F. Blanco-Pérez
TOMAS F. BLANCO-PEREZ
USDC-PR No. 304910
tblanco@ferraiuoli.com

Certificate of Service

We hereby certify, that on this same date, we electronically filed the foregoing with the Clerk of the Court using the Next Gen CM/ECF system, which will send notification of such filing to all Next Gen CM/ECF participants in this case, including the Debtor's counsel, the Chapter 12 Trustee, the U.S. Trustee for Region 21, and all parties that requested notice.

/s/ Gustavo A. Chico-Barris
GUSTAVO A. CHICO-BARRIS
USDC-PR No. 224205
gchico@ferraiuoli.com